

Legislative Assembly of Alberta

Title: **Monday, November 26, 2001**

8:00 p.m.

Date: 01/11/26

[The Speaker in the chair]

THE SPEAKER: Please be seated.

head: Government Motions

Amendments to Standing Orders

21. Mr. Stevens moved:

Be it resolved that the Standing Orders of the Legislative Assembly of Alberta be amended as follows:

1. Standing Order 4 is struck out and the following is substituted:

4(1) If at 5:30 p.m. on Monday, the business of the Assembly is not concluded, the Speaker leaves the Chair until 8 p.m.

(2) If at 5:15 p.m. on Monday, the Assembly is in Committee of the Whole and the business of the committee is not concluded, the committee shall rise and report immediately.

(3) If at 5:30 p.m. on Tuesday or Wednesday, the business of the Assembly is not concluded, the Speaker leaves the Chair until 8 p.m. unless, on a motion of the Government House Leader made before 5:30 p.m., which may be made orally and without notice, the Assembly is adjourned until the next sitting day.

(4) If at 5:30 p.m. on Tuesday or Wednesday, the Assembly is in Committee of the Whole and the business of the committee is not concluded, the Chairman leaves the Chair until 8:00 p.m. unless, on a motion of the Government House Leader made before 5:30 p.m., which may be made orally and without notice, the Assembly is adjourned to the next sitting day.

(5) At 5:30 p.m. on Thursday the Speaker adjourns the Assembly, without question put, until Monday.

2. Standing Order 5 is amended by adding the following after suborder (1):

(1.1) If, during a sitting of the Assembly, a question of quorum arises, the division bells shall be sounded for one minute and if a quorum is then not present, the Speaker may declare a recess or adjourn the Assembly until the next sitting day.

3. Standing Order 7 is amended by striking out suborder (1) and substituting the following:

7(1) The ordinary daily routine business in the Assembly shall be as follows:

O Canada (First sitting day of each week)

Introduction of Visitors

Introduction of Guests

Ministerial Statements

Oral Question Period, not exceeding 50 minutes

Recognitions (Monday and Wednesday)

Members' Statements (Tuesday and Thursday)

Presenting Reports by Standing and Special Committees

Presenting Petitions

Notices of Motions

Introduction of Bills

Tabling Returns and Reports

Projected Government Business (Thursday)

4. Standing Order 8 is amended

(a) by striking out suborders (1) to (3) and substituting the following:

8(1) On Monday afternoon, after the daily routine, the order of business for consideration of the Assembly shall be as follows:

Written Questions

Motions for Returns

Public Bills and Orders other than Government

Bills and Orders

(2) On Monday evening, from 8 p.m. until 9 p.m., the order of business for consideration of the Assembly shall be as follows:

Motions other than Government Motions

(3) On Tuesday, Wednesday and Thursday afternoons, on Monday evening commencing at 9 p.m. and on Tuesday and Wednesday evenings, the order of business for consideration of the Assembly shall be as follows:

Government Motions

Government Bills and Orders

Private Bills

(b) in suborder (4) by striking out "55 minutes of debate" and substituting "60 minutes of debate and 5 minutes for the mover of the motion to close debate".

(c) by adding the following after suborder (4):

(4.1) Before the mover closes debate on a motion under suborder (4), a member may move a motion, not subject to debate or amendment, that provides for the motion under consideration to be moved to the bottom of that item of business on the Order Paper.

(d) by striking out suborder (6) and substituting the following:

(6) Before the mover of a motion for second or third reading of a Public Bill other than a Government Bill closes debate, or the time limit is reached for consideration at Committee of the Whole under suborder (5)(a)(ii), a member may move a motion, not subject to debate or amendment, that the votes necessary to conclude consideration at that stage be postponed for 10 sitting days or the first opportunity after that for the consideration of the Bill, unless there are other Bills awaiting consideration at that stage in which case the Bill will be called after the Bills at that stage have been considered.

5. Standing Order 18 is amended

(a) in suborder 1(h) by adding "except as provided under Standing Order 49" after "committee";

(b) by adding the following after suborder (2):

(3) In this Standing Order, "adjournment motion" includes daily adjournment motions and any motion to adjourn the proceedings of the Assembly for a specified or unspecified period.

6. Standing Order 20 is amended by striking out suborder (1) and substituting the following:

20(1) In a debate on a motion, if a member moves an amendment, that member may only speak to the amendment and the main question in one speech.

7. Standing Order 21 is struck out and the following is substituted:

21(1) A member of the Executive Council may, on at least one day's notice, propose a motion for the purpose of allotting a specified number of hours for consideration and disposal of proceedings on a Government motion or a

Government Bill and the motion shall not be subject to debate or amendment except as provided in suborder (3).

(2) A motion under suborder (1)

(a) that applies to a Government Bill shall only refer to one stage of consideration for the Bill;

(b) shall only apply when the Bill or motion that is the subject of the time allocation motion has already been debated in the Assembly or been considered in Committee of the Whole.

(3) A member of the Executive Council may outline the reasons for the motion under suborder (1) and a member of the Official Opposition may respond but neither speech may exceed 5 minutes.

8. Standing Order 23 is amended by striking out clause (g) and substituting the following:

(g) refers to any matter pending in a court or before a judge for judicial determination

(i) of a criminal nature from the time charges have been laid until passing of sentence, including any appeals and the expiry of appeal periods from the time of judgment, or

(ii) of a civil nature that has been set down for a trial or notice of motion filed, as in an injunction proceeding, until judgment or from the date of filing a notice of appeal until judgment by an appellate court,

where there is probability of prejudice to any party but where there is any doubt as to prejudice, the rule should be in favour of the debate;

9. Standing Order 29 is struck out and the following is substituted:

29(1) Time limits on speaking in debate in the Assembly on Government motions, Government Bills and orders and private Bills shall be as follows:

(a)(i) the Premier,

(ii) the Leader of the Official Opposition, and

(iii) the mover on the occasion of the Budget Address

shall be limited to 90 minutes' speaking time;

(b) the mover in debate on a resolution or on a Bill shall be limited to 20 minutes' speaking time in opening debate and 15 minutes in closing debate;

(c) the member who speaks immediately following the mover in debate on a resolution or on a Bill shall be limited to 20 minutes;

(d) except as provided in clauses (a) to (c), no member shall speak for longer than 15 minutes in debate.

(2) (a) Subject to clause (b), following each speech on the items in debate referred to in suborder (1), a period not exceeding 5 minutes shall be made available, if required, to allow members to ask questions and comment briefly on matters relevant to the speech and to allow responses to each member's questions and comments;

(b) the 5 minute question and comment period referred to in clause (a) is not available following the speech from

(i) the mover of the resolution or the Bill in opening or closing debate, and

(ii) the member who speaks immediately after the mover.

(3) Time limits on speaking in debate on motions other than Government motions, public Bills and orders other

than Government Bills and orders, written questions and motions for returns shall be as follows:

(a) the Premier and the Leader of the Official Opposition shall be limited to 20 minutes' speaking time;

(b) the mover in debate of a resolution or a Bill shall be limited to 10 minutes' speaking time and 5 minutes to close debate;

(c) all other members shall be limited to 10 minutes' speaking time in debate.

10. Standing Order 30(4) is amended in clause (a) by adding "the debate proceeds and" before "the Speaker".

11. Standing Order 32 is amended by adding the following after suborder (2):

(2.1) When a division is called in Committee of the Whole or Committee of Supply, a member may request unanimous consent to waive suborder (2) to shorten the 10 minute interval between division bells.

12. Standing Order 34 is amended by adding the following after suborder (2):

(2.1) Amendments to written questions and motions for returns must

(a) be approved by Parliamentary Counsel on the sitting day preceding the day the amendment is moved, and

(b) be provided to the mover of the written question or motion for a return no later than 11 a.m. on the day the amendment is to be moved.

13. Standing Order 37 is amended by adding the following after suborder (3):

(4) For the purposes of this Standing Order and Standing Order 37.1, a tabling must be in paper form.

14. The following is added after Standing Order 37:

37.1(1) Documents may be tabled by providing the required number of copies to the Clerk before 11 a.m. any day the Assembly sits.

(2) When the Clerk receives a tabling under suborder (1) that is in order, the Clerk shall read the title of the tabling when Tabling Returns and Reports is called in the daily routine.

15. Standing Order 39.1 is amended by renumbering it as Standing Order 39.2 and adding the following before Standing Order 39.2:

39.1(1) The sequence of motions other than Government motions shall be determined by a random draw of names of members who have submitted written notice to the Clerk no later than 3 days prior to the date of the draw.

(2) The draw referred to in suborder (1) shall be held on a date set by the Speaker in the July preceding the session that the motions are expected to be moved.

(3) Prior to a motion other than a Government motion being moved, members may switch the positions in accordance with the guidelines prescribed by the Speaker.

(4) A member who has a motion other than a Government motion on the Order Paper may, upon providing 4 sitting days' notice, withdraw the motion before it is to be moved in the Assembly.

(5) When a motion is withdrawn under suborder (4), the Order Paper shall indicate "withdrawn" next to the motion number.

16. Standing Order 48 is amended by renumbering it as Standing Order 48(1) and by adding the following after suborder (1):

(2) Dissolution has the effect of nullifying an order or

- address of the Assembly for returns or papers.
17. The following is added after Standing Order 48:
 - 48.1 A member of the Executive Council may, on one day's notice, move a motion to reinstate a Government Bill from a previous session of the current Legislature to the same stage that the Bill stood at the time of prorogation and the motion shall not be subject to debate or amendment.
 18. Standing Order 49 is struck out and the following is substituted:
 - 49(1) At the commencement of each session, standing committees of the Assembly must be established for the following purposes:
 - (a) Privileges and Elections, Standing Orders and Printing, consisting of 21 members,
 - (b) Public Accounts, consisting of 17 members,
 - (c) Private Bills, consisting of 21 members,
 - (d) Alberta Heritage Savings Trust Fund, consisting of 9 members,
 - (e) Legislative Offices, consisting of 11 members.
 - (2) At the commencement of the first session of each Legislature, the Assembly must establish the Special Standing Committee on Members' Services consisting of 11 members.
 - (3) The Assembly must determine the membership of the committees established under this Standing Order by resolution which shall not be subject to debate or amendment.
 - (4) The composition of the membership of the committees established under this Standing Order must be proportionate to the number of seats held by each party in the Assembly.
 - (5) The proportionate membership of committees as prescribed under suborder (4) may be varied by an agreement among all House Leaders.
 - (6) The Clerk of the Assembly shall post in the Legislature Building lists of members of the several standing and special committees appointed during each session.
 19. Standing Order 52 is struck out and the following is substituted:
 - 52 The Standing Committee on the Alberta Heritage Savings Trust Fund shall report to the Assembly on the Fund as prescribed in the Alberta Heritage Savings Trust Fund Act.
 20. Standing Order 56 is amended by striking out suborders (2) to (8).
 21. Standing Order 57 is amended by striking out suborders (1) to (6).
 22. Standing Order 58 is struck out and the following is substituted:
 - 58(1) In this Standing Order, "sitting day" means any afternoon or evening that the Committee of Supply considers estimates for not less than 2 hours unless there are no members who wish to speak prior to the conclusion of the 2 hours.
 - (2) The number of sitting days that the Committee of Supply is called to consider the main estimates shall equal the number of members of the Executive Council with portfolio.
 - (3) The Committee of Supply shall consider estimates in the following manner:
 - (a) the Minister, or the member of the Executive Council acting on the Minister's behalf, and members of the opposition may speak during the first hour, and
 - (b) any member may speak thereafter.
 - (4) Subject to suborder (5), the vote on an estimate before the Committee of Supply shall be called after it has received not less than 2 hours of consideration unless there are no members who wish to speak prior to the conclusion of the 2 hours.
 - (5) On Tuesday, Wednesday or Thursday afternoon, during the consideration of the main estimates, the Committee of Supply shall be called immediately after Orders of the Day are called and shall rise and report no later than 5:15 p.m.
 - (6) The Leader of the Official Opposition may, by giving written notice to the Clerk and the Government House Leader prior to noon on the day following the Budget Address, designate which department's estimates are to be considered by the Committee of Supply on any Tuesday, Wednesday or Thursday afternoon during the period in which the main estimates are to be considered by Committee of Supply.
 - (7) When the Leader of the Official Opposition fails to provide notice in accordance with suborder (5), the Government House Leader shall designate the department for consideration by Committee of Supply for that afternoon.
 - (8) The estimates of the Legislative Assembly, as approved by the Special Standing Committee on Members' Services, and the estimates of the Officers of the Legislature shall be the first item called in the Committee of Supply's consideration of the main estimates and the Chairman shall put the question to approve the estimates forthwith which shall be decided without debate or amendment.
 - (9) In respect of the supplementary estimates and interim supply estimates, a member of the Executive Council may, with at least one day's notice, make a motion to determine the number of days that the Committee of Supply may be called, and the question shall be decided without debate or amendment.
 23. Standing Order 59 is amended
 - (a) in suborder (1)
 - (i) by striking out "Monday," and
 - (ii) by striking out "midnight" and substituting "11 p.m.";
 - (b) by striking out suborder (2).
 24. Standing Order 60 is struck out and the following is substituted:
 - 60 Committees of the whole Assembly shall rise and report prior to the time of adjournment.
 25. The following is added after Standing Order 68:
 - 68.1(1) The sequence of Public Bills and Orders other than Government Bills and Orders shall be determined by a random draw of the names of members who have submitted written notice to Parliamentary Counsel no later than 3 days prior to the date of the draw.
 - (2) The draw referred to in suborder (1) shall be held on a date set by the Speaker in the July preceding the session that the Bills are expected to be introduced.
 - (3) Members may switch their positions in accordance with guidelines prescribed by the Speaker.
 26. Standing Order 83 is amended
 - (a) in suborder (2) by striking out "received, shall be read by the Clerk if the member so requests" and substituting "presented during the daily routine";
 - (b) by adding the following after suborder (2):
 - (3) Petitions must be submitted for approval by Parliamentary Counsel at least one sitting day prior to the petition being presented in the Assembly.

27. Standing Order 83.1 is amended
 - (a) in suborders (1) and (2) by striking out "read and received" and substituting "presented";
 - (b) by striking out suborder (3).
28. Standing Order 102 is amended by renumbering it as Standing Order 102(1) and adding the following after suborder (1):
 - (2) The Clerk shall be responsible for the printing of the Votes and Proceedings and the Journals of the Assembly.
29. Standing Order 109 is struck out and the following is substituted:

109 The Speaker shall, after the end of the fiscal year, prepare an annual report on the Legislative Assembly Office and lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.
30. Standing Order 114 is amended by striking out suborder (2).
31. This motion supersedes the House Leader agreement for the 25th Legislature dated April 10, 2001.
32. This motion comes into force on the first day of the Second Session of the 25th Legislature.

[Debate adjourned November 26]

THE SPEAKER: The hon. Leader of the Official Opposition.

DR. NICOL: Thank you, Mr. Speaker. I just want to put a couple more comments on the record about the proposed changes in the Standing Orders. This has a lot of implications for basically the way that information can be presented in terms of the material that is brought forward from people in the communities. It also deals with some of the issues that reflect on not only the flexibility of how we deal with things in this House, but we also have to look at it in the context of how we deal with the equity in terms of representation that occurs between individual MLAs that are elected from different parties, within the framework of that choice by the constituents. If we look at the process that's brought forward here in the motion and if we look at it in terms of how it works out in dealing with some of those issues, we end up with a lot of changes that are essentially making it more likely that members who do not have an active role in the government, whether it be in cabinet or a lead role in some of the standing policy committee positions, will have in some ways less opportunity to get input from their communities.

I know a number of the other speakers have addressed the issues of timing and how changes in process will affect the daily Routine, but if we look at it from the perspective of what we should be trying to do in terms of democracy, it's especially incumbent upon us to make sure that our constituents have opportunities to present their ideas to the Legislature. One of the things that has come up and that has to be dealt with in the context of how these changes will further limit what constituents can do is the changes in the process for petitions. There was quite a bit of concern, Mr. Speaker, expressed in my constituency when we made the original changes that required particular types of wording to petitions, because they felt that they wanted to be able to address a concern that they saw with the government in a language and in a format and in a way that reflected and allowed them to express what they were really trying to say and what they were really trying to mean.

What we basically did in a previous amendment to the Standing Orders was that we had a particular type of wording that had to be put in the context of the pledge or the prayer at the top, and then a lot of petitions were effectively not read in because of that. What we're doing now is basically telling those same constituents that

there will be little if any public notification of their concern if they don't exactly meet that format. Under the previous structure an MLA had the chance to at least address the issue as they presented the petition to the House, and if it was appropriately in order, it would then be read back in and filed as a permanent part of the documentation of this Legislature. Yet this seems to be a process that we're moving farther and farther away from as we move to implement changes here in petitioning.

You know, I guess this is a kind of a question about what we mean in terms of constituent responsibility and constituent input. I know there is a private member's bill coming up that deals with citizen referendum. This is the kind of thing where if we really believe that our constituents should have an opportunity to have input and be able to come to this Legislature and say, "This is a concern; this is an action we want the Legislature to take," we shouldn't be limiting how they go about doing that. We should be encouraging and in fact making it easier for them to deal with this kind of input into the legislative process or a reaction to a government action or, you know, any kind of other means they want to express in the context of how they see fit to put their words into this Legislature.

The continual change in terms of how these things happen I think will essentially discourage in many ways how a petition can be presented, Mr. Speaker. I think there is a good chance that if we really wanted to make the process a little more orderly, what we might suggest doing, instead of limiting access, is to put a more orderly process in place for actually making the presentations, in the sense that if a group of people is trying to put together a petition that is going to be presented by a number of MLAs, we could centralize the actual presentation so that you don't end up with a whole series of different presentations or limit them to a number of subject days. Say an education one would be done on this particular day, and then you only get a chance to submit your petitions on those days. This would create order, and that is basically the rationale behind what I've heard the Government House Leader say when he's talked about why they want to have this. They don't want to have a whole series of small petitions that say the same thing presented on the same day.

Well, there are ways that we can make that orderly rather than limit the ability of citizens to express themselves in terms of their concerns and their wishes in terms of government, in terms of reaction to policy. I guess I would hope that this kind of process might be looked at more so than just saying, you know: if it isn't written exactly the way I want, exactly in the order that I want, and with exactly the right commas and questions and all this . . . That really infringes on a citizen's ability. So I guess the main concern there, Mr. Speaker, is in terms of how we deal with that kind of process.

The other basic concern that I have and that I've heard from a couple of individuals who are kind of the parliamentary experts or the people who always come to me about process – I guess that's a better way to put it than to call them necessarily experts. They were very concerned about the elimination of the Standing Committee on Law and Regulations because they felt that we should in a sense be holding hearings or bringing out into the public in a much broader way how regulations are put in place by the government, how they are changed by the government, that a process that's more open on regulatory change should be initiated. A number of them compare it to their experiences as they followed through legislative change from the approach to the government to standing policy committee to executive committee to the Legislature: you know, that kind of a process.

They felt that that kind of openness, that kind of ability to first of all see what the regulations are and get a chance to read them in the context of the law they relate to, react to them, and have feedback

into the government would be much better than trying to kind of react after and then have the government go back and change them. Even though that committee hasn't been used, I guess what they were saying was that we would have better relationships with our community and better government in the end if we actually used that committee and allowed it to operate in an open way so that Albertans would have a sense of what to expect and how to react to and how to incorporate the ideas of regulatory change just the way they see an openness in legislative change.

8:10

Mr. Speaker, I think over time that is going to become more and more critical because what you're seeing is that more and more of our actual legislation, the bills that we pass in this House is enabling legislation rather than actually functional legislation. The actual operational aspects of each of these pieces of legislation then show up in the regulations that are assigned or that are attached to the piece of enabling legislation. They wanted to see that kind of debate being put in place so that they could have an input to both the legislation and the regulations that operationalize them.

Mr. Speaker, I think the process that the minister of agriculture and the Member for Leduc have gone through on this intensive livestock bill, where the regulations, although not in final form but in a draft form, were made available to a number of the participants, shows how that committee could function. It could work if that committee were operating in conjunction with the policy committees and the legislative committees. You know, that kind of openness and that kind of good legislation and operational regulations could be developed.

By having that together, we wouldn't have this kind of piecemeal process, even though it was a very open process, that went on with the intensive livestock bill. You had to try and relate first to the draft legislation, and then as we started to debate that draft legislation, the regulations became available, and then it became too restricted in terms of the time frame for a lot of the citizens of the province to really get in a reaction to that. By having this regulations committee in place where it was really functional, it would in effect make sure that the citizens who were either going to have to operate within or were in support of the proposed legislation felt much more comfortable about the relationship between the legislative process and the regulatory process.

I guess the other couple of things that I was just concerned about were, you know, the idea of the changes in how we deal with debate. Mr. Speaker, I guess I'm going to sound a little bit out of key with a lot of people in the sense that we're going to have options for Q and A for a speaker in the Legislature, and that doesn't offend me at all. Anybody that stands in this House should be willing to stand and be held accountable for the things they say here. But the idea that it takes away from the ability to develop an issue is critical in the sense that there are a lot of times when we're dealing with extremely large pieces of legislation and we have to talk to the principles of them, we have to talk to how they are going to be operationalized because in some cases we don't even have the appropriate regulatory framework available at the time.

To say that we have to be able to stand up and deal with the principles that are associated with it in a matter of 15 minutes – I would suggest that if we had to deal with some type of policy or procedural change with respect to speaking times, what we should have done was left the 20 minutes for second reading, added on the five minutes, and then when we went into committee or third reading, we could have subsequently shortened those so that the total time on the bill was the same. But we'd have a lot more up front when we could raise the issues, start the debate, introduce the

concerns, and develop the framework of how that piece of legislation was going to work. I think that would have been much better in terms of trying to deal with facilitating the appropriate development of good legislation, because it's through that kind of debate that we're allowed to start concerns.

You know, Mr. Speaker, I think the more we debate the legislation, the more we see the intricacies of the ways that it could be interpreted or applied when it actually becomes operational, so that gives us a better chance, then, to make sure that the legislation we're dealing with at the time gets to be the right legislation and good legislation. You know, I think what we need to do is look at that possibility of sustaining that 20 minutes in the second reading, add on the five minutes of Q and A, and then make adjustments at other stages if it's really felt that we have to have some kind of a limit on the debate that goes on in this House.

I think the other critical issue that comes up, Mr. Speaker, is the idea of the application of the sub judice ruling or the sub judice limit on debate. Here, you know, there have been a lot of different interpretations of what the change in the Standing Order is going to mean in terms of the ability to address issues that are an integral part of public policy. If that sub judice restriction is interpreted and applied to the extent that the wording in the proposed Standing Orders suggests it might be, there are a lot of issues that in effect could be removed from debate in this House just by the simple introduction of some kind of a challenge through civil court. I don't think any of us want to see that type of trade-off or that type of action potentially being facilitated by the kind of changes we make in legislation.

You know, I think it's imperative that as we go through and look at the changes we make in how we operate within this House, one of the fundamental responsibilities each and every one of us has is to make sure that as we make changes, we don't in any way limit what the public's perception of a true democratic and legislative process should be. The idea that we're going through here and in some ways trying to control debate, control the ability of an opposition or a citizen to hold a member of the government accountable in a sense reduces the ability that we have to make sure that democracy functions in an open and acceptable way for the citizens of our community.

It's like every legislative change. What we have to do is see how these things actually become operational when we actually start to deal with them, how they're interpreted and how they're going to be applied. Mr. Speaker, I think that what we have to start looking at here is that some of these have the potential to greatly reduce the ability to have constructive debate in this Legislature. The main thing that we have to look at as representatives of our community is that when these things actually become the new Standing Orders, we don't let them in any way inhibit our ability to have open and productive debate within this Legislature.

8:20

Mr. Speaker, I kind of talk about these things in terms of suggestions and input. I think when we deal with Standing Orders and the process, it would almost in many ways be unfortunate if we actually did what one of these Standing Orders is suggesting and did away with the committee that was supposed to look at Standing Orders and make sure that they were operational, because that's where we could have had a lot of the debate, a lot of the questions that we're raising in connection with these changes. That's where this debate could have gone on. We could have had an exchange of ideas, an exchange of alternatives. We could have had some negotiation, some give-and-take. I'm quite sure that in effect the final changes that we would be debating tonight would have been a lot better if we

could have had that kind of open give-and-take in the process, recognizing – and I think everyone in this House recognizes it – that we have to facilitate proper discussion, that we have to make sure that there is a degree of order to the way we operate. But it's kind of unfortunate that when it comes to this particular case of really looking at how we're going to change the Standing Orders, that openness and that participatory discussion and what the changes were and how they should be implemented didn't occur as readily as it possibly might have.

In conclusion, Mr. Speaker, I would hope that as we look at these when we start the spring session, we interpret them with as much latitude and with as much ability to carry on good debate as we can get so that everybody feels that they've truly been able to represent their constituents.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Deputy Government House Leader to close the debate.

MR. STEVENS: Thank you, Mr. Speaker. Motion 21 represents a comprehensive review of the Standing Orders, and once agreed to, these changes as they apply to the next spring sitting will improve the business of this Assembly. What I would like to do is highlight some of the improvements as a result of this initiative.

More private members will now be able to speak to private members' bills and motions. For example, under current rules if every member spoke the maximum at second reading, only six members could participate. Under the proposed rules twice that many, 12, can participate if speaking for the maximum time. The time on private members' motions will increase from 55 to 60 minutes. Oral Question Period will arrive at a much more predictable time each day, likely around 1:45 p.m. most days, instead of currently, where it varies from 1:50 to 2:15 p.m. each day.

Tablings may be done through the Clerk's office prior to the House sitting each day. This simple administrative change allows the Routine to progress more quickly.

Committee of Supply will be streamlined and evolve along lines previously developed in all-party House leader agreements. After several years of opposition complaints about the A, B, C, D subcommittees, these committees will be eliminated. After several years of opposition complaints about all estimates needing to be before the whole Assembly, now every single estimate from each ministry will have its own separate sitting day before the whole Assembly. Opposition designation of departments will increase substantially from eight in the spring of 2001 to 12 under the proposed rules for 2002, meaning that half of all the 24 ministries will be designated.

Closure will be eliminated and replaced with time allocation.

Sub judice will be made more comprehensive.

Speaking times will be reapportioned on government business before the whole Assembly – that is, second and third readings and government motions but not Committee of Supply and Committee of the Whole – so that generally a member may speak for a maximum of 15 minutes followed by a five-minute question and comment period in which other members can hold to account the member who has just spoken.

Redundancy of Reading and Receiving Petitions and Presenting Petitions will be eliminated with the striking of Reading and Receiving Petitions.

What I would also like to touch upon, Mr. Speaker, are those things that have not changed. Oral Question Period remains 50 minutes, one of the longest in Canada, the longest in western Canada by far, and certainly much longer than the 15-minute Oral Question

Period in British Columbia. Oral Question Period rotation has not changed. Television coverage of Oral Question Period and tablings and all other items of the Routine has not changed. All will continue to be covered from the time prayers are observed until Orders of the Day are called.

Speaking times in committees of the whole Assembly, Supply and the Whole, have not changed; 20 minutes still applies. The Assembly will sit the afternoons of Monday, Tuesday, Wednesday, and Thursday and the evenings of Monday, Tuesday, and Wednesday beginning at 1:30 p.m., adjourning at 5:30 p.m., and reconvening at 8 p.m. There will still be a throne speech, a budget, and a list of government legislation. The right of the government to govern and legislate remains balanced against the uncompromised opposition right to hold the government accountable.

I'd also like to spend a moment addressing some of the opposition criticisms. One general opposition complaint deals with process. Over the years several attempts to review Standing Orders in a comprehensive way have ended without result or with only minor changes receiving unanimous, all-party consent to proceed. In fact, on one occasion six months' worth of work in all-party meetings was lost when the opposition parties could not agree on the issue of one extra member's statement. Thus, honest attempts have been made to achieve change through the usual all-party consent channel, and that process has been unsuccessful.

Another general opposition complaint has been that we will be taking off and not sitting on Monday evenings, which would be perhaps murdering the truth or, at the very least, wounding the truth. The fact is that when the Assembly meets on Monday afternoons, it is obliged by the proposed rules to sit Monday night, so the Assembly will continue to sit, and there will be government business dealt with on Monday nights.

One of the hon. members opposite – I believe it was the Member for Edmonton-Riverview – complained that the opposition will now be questioned by the government. I notice that the hon. Leader of the Official Opposition does not have a problem on this account, and I appreciate that. The proposed rules allow for any member who speaks to government business in Assembly to have their speech followed by a five-minute question and comment period whereby any member may pose a question and make a comment regarding the speech. This is not Oral Question Period in reverse, with the government drilling the opposition, as the hon. member has suggested. The proposal is simply an improvement in the evolution of debate back and forth.

In summation, these proposed rules are good changes, and I urge all members to support the passage of Government Motion 21. But before concluding my comments, Mr. Speaker, I'd like to thank all MLAs who provided suggestions for change. I would like to particularly thank David Gillies, who is the executive assistant to the Government House Leader, whose knowledge of the rules, the procedure of this Assembly, and the practice of this Assembly was of inestimable value in putting forward these comprehensive changes under Government Motion 21.

Thank you, Mr. Speaker.

THE SPEAKER: Hon. members, further to the ruling made on November 21, we will now proceed with three separate votes on the motion.

On the motion as proposed by the hon. Government House Leader, all those in favour of part 1, which comprises sections 1, 3, 4, 26, and 27 of Government Motion 21, please say aye.

[The voice vote indicated that the motion carried]

[Several members rose calling for a division. The division bell was rung at 8:27 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

| | | |
|----------|------------|------------|
| Abbott | Jablonski | Ouellette |
| Ady | Jonson | Rathgeber |
| Cardinal | Klapstein | Renner |
| Cenaiko | Lord | Snelgrove |
| Danyluk | Lougheed | Stelmach |
| DeLong | Lukaszuk | Stevens |
| Ducharme | Lund | Strang |
| Evans | Masyk | Tannas |
| Forsyth | McClellan | Tarchuk |
| Fritz | McClelland | Taylor |
| Hlady | McFarland | Vandermeer |
| Horner | O'Neill | Zwozdesky |
| Hutton | | |

Against the motion:

| | | |
|----------|--------|-------|
| Blakeman | Mason | Nicol |
| Bonner | Massey | |

| | | |
|---------|----------|-------------|
| Totals: | For – 37 | Against – 5 |
|---------|----------|-------------|

[Motion carried]

8:40

THE SPEAKER: The second vote, then, is on the motion as proposed by the hon. Government House Leader which comprises sections 20, 21, 22, and 23 of Government Motion 21.

[Motion carried]

THE SPEAKER: The third vote is on the motion as proposed by the hon. Government House Leader which comprises sections 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 24, 25, 28, 29, 30, 31, and 32 of Government Motion 21.

[Motion carried]

THE SPEAKER: Well, hon. members, congratulations on the progress that you've made. This is akin, I guess, to building a constitution, and you did it in only several days' debate, which is rather interesting. Sometime in the next month or so this Assembly will rise, and when hon. members return in the spring, there will be new Standing Orders. For those of you who believe in collecting memorabilia, these Standing Orders which were printed April 23, 2001, will now be completely revised and will become part of the history of the province of Alberta. Please feel free to take these home with you and study them over the winter, and keep them in a safe place.

head: Government Bills and Orders
head: Committee of the Whole

[Mr. Tannas in the chair]

Bill 28 Agricultural Operation Practices Amendment Act, 2001

THE CHAIRMAN: The hon. Member for Leduc will offer some

comments, after which we'll have comments, questions, or amendments.

MR. KLAPSTEIN: Thank you, Mr. Chairman. What I wish to do is to move an amendment to the proposed Bill 28, the Agricultural Operation Practices Amendment Act, 2001. I believe there are copies there for distribution.

The amendment is that the bill be amended as follows. In part A section 5 is amended in the proposed section 27 by (a) adding the following after subsection (1), "(1.1) An application for leave to appeal pursuant to subsection (1) must be filed and served within 30 days after the decision of the Board is made," and (b) in subsection (2)(i) by striking out "on application made" and in (2)(ii) by striking out "making of the decision sought to be appealed from, or within a further time that the judge allows under special circumstances" and substituting "application for leave being filed and served under subsection (1.1)."

The purpose of the amendment is to make it clear what is the requirement of the appellant and what is being requested of the court.

THE CHAIRMAN: Hon. leader, just to clarify, we don't seem to have some paper in front of us, and I don't think any of the members have, but as I understand, all members of the opposition have seen the proposed amendments. Is that so?

DR. NICOL: Mr. Chairman, I was shown the amendment this afternoon.

THE CHAIRMAN: You may proceed if you wish to, hon. Leader of Her Majesty's Loyal Opposition, or we can wait a moment till the paper comes.

DR. NICOL: In my conversation with the minister this afternoon I see no problems with it. It's a good amendment. It will improve the bill. So as far as I'm concerned, it's quite acceptable to proceed, but if we're going to wait for it . . .

THE CHAIRMAN: That wasn't a command. That was just a question to the committee.

Please pass them out then. You might begin with those that are actually sitting here. Thank you.

I believe we're ready to proceed now. This amendment will be called amendment A2, and we'll ask the hon. Leader of Her Majesty's Loyal Opposition to start off.

DR. NICOL: Mr. Chairman, as I said, I saw this this afternoon. It makes it much more clear in terms of the relationship between the appellant and what is expected and how they'll relate to the court. It doesn't provide undue direction to the court. It provides the court with the freedom that should be provided to the court, and I think because of that very last statement, that it doesn't interfere with the court process, we should all support it.

[Motion on amendment A2 carried]

THE CHAIRMAN: Are there any further questions and comments? The hon. Leader of Her Majesty's Loyal Opposition.

DR. NICOL: Thank you, Mr. Chairman. I had submitted amendments during committee on the previous day of debate. I assume they're still at the table; are they?

8:50

THE CHAIRMAN: Hon. leader, you're saying that there are some amendments here?

DR. NICOL: I submitted a pile of amendments to this bill in our previous debate.

THE CHAIRMAN: When we last debated this; right?

DR. NICOL: They were left at the table, so I'm assuming they're still available for distribution.

THE CHAIRMAN: Either that or they're recycled. We'll just check.

DR. NICOL: Mr. Chairman, I'll describe the amendments while they're being located. They have been found.

Essentially, the first one and the second one that I had proposed deal with the same issue. We had labeled them A2 and A3 before. They'll now be A3 and A4. Because they do the same thing in two different sections of the act, I would suggest that we take them together. What they're basically doing is dealing with section 13(1) and section 14(1). Basically, what this does is it essentially further limits the ability of a person to construct either an intensive livestock operation or a manure handling facility and changes the wording in both section 13(1) and section 14(1) from a situation where "no person shall construct or expand" to "no person shall commence construction or expansion of."

The idea here is that there have been a number of instances in Alberta in an historic context where individuals have gone through and basically when they submit their application, they begin construction, and the construction is well under way by the time approval is obtained. By making this explicit, that they shall not commence construction of either the facility or the manure handling, basically we are making sure that they understand the repercussions if they go ahead and begin construction as opposed to completing construction. So I guess what it does is clarify them. Given that they are both the same in section 13 and section 14, we can handle them as one vote or we can handle them as separate votes if the chair would prefer.

THE CHAIRMAN: It's not a matter of what the chair would prefer, but as long as you have that it is a motion and yourself to move that Bill 28 be amended, then that has to have a separate vote.

DR. NICOL: Well, then, let's deal with the one that we numbered A2 the other day, which is the one that's on section 13(1). It'll now be A3: Dr. Nicol to move that Bill 28 be amended in section 5 in the proposed section 13(1).

THE CHAIRMAN: That is A3. Do we have that? It's a very brief one. It should have been the first one in the package that you received: section 13(1) of section 5. Okay. Do you wish to move that now?

DR. NICOL: Yes, I would move that amendment. I've already gone through the rationale for why I think it's a good amendment, so we'll allow the member opposite to react.

MR. KLAPSTEIN: Mr. Chairman, we accept the amendment, and I'll ask members to vote in favour.

THE CHAIRMAN: Okay. Are you ready for the vote? [interjections]

Hon. minister, you're only allowed to speak or make noises when you're at your place and not when you're moving around.

The hon. Leader of Her Majesty's Loyal Opposition has moved amendment A3 to Bill 28. This is the one with respect to section 5 in section 13(1).

[Motion on amendment A3 carried]

THE CHAIRMAN: The hon. Leader of Her Majesty's Loyal Opposition.

DR. NICOL: Thank you, Mr. Chairman. I would now like to move what is amendment A4. We had labeled it A3 the other day, but now it will be A4. This is that Bill 28 be amended in section 5 in the proposed section 14 by striking out subsection (1) and substituting the following:

14(1) No person shall commence construction, expansion or modification of a manure storage facility for which an authorization is required pursuant to the regulations or commence construction, expansion or modification of a manure storage facility for manure that is in a predominantly liquid state or manure to which water has been added unless

- (a) the person holds an authorization that authorizes the construction, expansion or modification, or
- (b) the person holds an approval or registration that authorizes the construction, expansion or modification.

Mr. Chairman, again, the rationale is the same as it was when I asked for the modification to section 13(1). There have been cases where individuals have gone ahead and assumed that they can begin construction when their application is submitted, and they're well into the construction process by the time the approval comes. This way, by having it specifically stated that they are not to do that – there are provisions in the process for exceptions – this basically makes it clear to them that they cannot start without approval. I think that's important because it creates a lot of community friction if people are asked to reverse something that somebody has already started to build on. This makes it plain to them that if they do commence construction, they're doing so at their own risk.

Thank you.

THE CHAIRMAN: The hon. Member for Leduc on amendment A4.

MR. KLAPSTEIN: Mr. Chairman, we accept the amendment and ask members to vote in favour.

THE CHAIRMAN: Because there's a little bit of a question on this particular one, just to reassure us, hon. leader, A4 is the one that amends section 5 in section 14(1).

DR. NICOL: In subsection (1). That's correct.

THE CHAIRMAN: That is amendment A4. Okay.

[Motion on amendment A4 carried]

DR. NICOL: Mr. Chairman, I had submitted an amendment that we had called A4 previously. This is the one that amends section 2(a) by striking out proposed section 1(a)(i). I would like to withdraw that. I will not be proposing that amendment. That's in the package that was distributed, so I just want everybody to be aware of the fact that it will not be dealt with.

I would like to move to the one that we had labeled A5, which will now be A5 because A4 has disappeared. I move that Bill 28 be amended in section 5 in the proposed section 19(1) by striking out

“the approval officer may notify” wherever it occurs and substituting “the approval officer must notify.”

Mr. Chairman, in the act, in section 19, we’re looking here at basically conditions under which the approval officer must notify individuals who have been designated as affected persons, and those affected persons are defined by the regulations. Section 19(1) basically classifies two groups that may be notified, first of all the people who have been defined as affected persons. There’s a process in the regulations both to determine who is an affected person and, secondly, how that notification can be carried out or should be carried out. What I would suggest is that if we have from a public perspective, first of all, set in place a process to define who is an affected person and, secondly, set in place a process to go about notifying those people or those individuals or those municipalities or those bodies of concern that they are designated as an affected person under this act, then I feel strongly that we should make sure that the board does go through the process of notifying.

9:00

The process in itself can be set up under the regulations to provide, you know, flexibility so that if I’m halfway around the world somewhere and nobody knows where I’m at, then due diligence in notifying me is appropriate. So from that perspective I think it’s really important, especially in that first part, that we notify them. What this will do is greatly reduce the potential for individuals to come back, subsequent to a ruling by the board, saying: “Well, you know, you’ve identified me as an affected person, but I never knew anything about it. I was never notified. I didn’t have any idea that it was going on.” If we have it in there so that at least they must follow the process, then what we’ll have is a situation where in a sense the person has lost that ability to say: “Well, why didn’t you notify me? You’ve already defined me as an affected person.”

The second part of that clause is a secondary notification of individuals who, under either the Environmental Protection Enhancement Act or the Water Act, are defined as affected persons subject to this application. Similarly, even though those persons are designated as being affected under a different piece of legislation, the process of notification is there as well, and just to reduce significantly the possibility of any after-ruling repercussions, I think it’s important that we make sure that these people be adequately notified.

So, Mr. Chairman, those are the reasons that I think in both cases here we should in a sense change that “may” to “must” just so that we go through the process and make a statement strongly to the board that within the constraints of the process that we define by regulation, they follow through on it. I don’t think the board should have the freedom not to notify somebody if they’ve already identified them as being an affected person subject to the regulations of this act. I think that in the end we’ll have a much more peaceful resolution as people either accept or do not accept the fact that they are being notified.

So for those reasons, Mr. Chairman, I hope everyone will accept this amendment.

THE CHAIRMAN: The hon. Minister of Agriculture, Food and Rural Development.

MRS. McCLELLAN: Thank you, Mr. Chairman. I would like to just make a few comments on the amendment. The whole area of notification is rather a complex one in this bill – and I admit that – and it is for a good reason. Some of the reasons the hon. member opposite has outlined. We have a section that deals with the notification occurring to municipalities that are directly affected or

may be affected. We talk about the necessity of notifying those who are directly affected. I think that is important, that that is a must in this case.

When we talk about this section, Mr. Chairman, we’re talking about the approval officer that may notify or require the applicant to notify, and I believe that begs the question of whose responsibility ultimately it is to defend the project. For that reason, this bill has been written in the way that once an application is received, the approval officer either may notify or require the applicant to notify the affected persons, who, as I indicated, are a different group than the directly affected, who must be notified.

Because of the importance of this section and because the hon. member had the courtesy to speak to me and through me to the mover of the bill, I would ask that we adjourn debate on this amendment for this time so that we can have a little more time for consideration and consider it tomorrow, when there is an opportunity to speak to it again. Is that a proper recommendation, that we adjourn debate at this time? [interjection] Well, I have no problem as long as I can speak again, and I guess I can in committee. I’ll withdraw the last part of my sentence for now.

The hon. member opposite, the Leader of the Opposition, would like to ask a question, and I don’t have any problem with that.

THE CHAIRMAN: Before I recognize the hon. leader, would the committee give consent to briefly revert to Introduction of Guests?

[Unanimous consent granted]

head: Introduction of Guests

THE CHAIRMAN: The hon. Member for Lac La Biche-St. Paul.

MR. DANYLUK: Thank you very much, Mr. Chairman. It has been brought to my attention, and it gives me great pleasure when I see a class coming into this Assembly to learn about our procedures. I don’t know anyone’s name, but all I want to say is that this is a class from NAIT that has come to observe our procedures. I’d ask for everyone to give them the traditional warm welcome of this Assembly, please.

THE CHAIRMAN: The chair would observe for the benefit of those that are here visiting tonight that at this time we’re in committee. Committee is the informal part of the Assembly, and members are allowed to move around. We stick to the rule that only one member stands and talks at a time, from his or her place. We are allowed to remove jackets and to even have coffee and juice in here as opposed to just water. The debate also can go back and forth, and people can speak more than once on the same issue, as the case may be, in committee.

Without further ado, the hon. Leader of Her Majesty’s Loyal Opposition on amendment A5.

Bill 28
Agricultural Operation Practices
Amendment Act, 2001
(continued)

DR. NICOL: Thank you, Mr. Chairman. In my discussions the other day with staff from Alberta Agriculture we talked about this section, and they were kind of agreeing with my interpretation of it, but as I listened to the minister speak just now, there may be a different interpretation to this section, and then the section is written correctly as is. What we have is that the approval officer basically has two choices. Either the approval officer will notify the affected individu-

als or the approval officer will ask the applicant to notify the affected parties. Is that the interpretation? May I ask her to nod her head, Mr. Chairman? If that's the interpretation, then I would suggest it is worded correctly as opposed to the process of providing the approval officer with the choice of whether or not notification will occur. So it's a "may" in the context of which process as opposed to whether or not actual notification. If that can be clarified, maybe I will withdraw my amendment.

MRS. McCLELLAN: Mr. Chairman, thank you for your indulgence. As I did indicate, this is a complex part of the bill, and it's an important part of the bill. We should make sure that we are comfortable with our understanding of it. The affected persons can be identified also through regulation as to how this section works, but certainly my interpretation is that the approval officer may notify affected persons or he may require the applicant to do it in that particular section.

I didn't go on to the next area, which is asked to be amended as well, which goes on to say:

And the approval officer may . . .

And this is the "may" in question here.

. . . notify or require the applicant to notify persons and organizations who are to be notified under the Environmental Protection and Enhancement Act and the Water Act with respect to the subject-matter of the application under this section and any other persons or organizations the approval officer considers appropriate.

It may be, in our understanding of this, that it is the approval officer that does that, but it may also be somebody from the departments, in fact, which operate these two acts that would make that requirement in this section. So hence it's written "may" there, because it may be the approval officer or it may be somebody from those departments.

9:10

If you go on to the next section in the bill, it states very clearly that "a notification under subsection (1) must be carried out in accordance with the regulations within the time period required by the regulations." Mr. Chairman, that was one of the reasons that we were particularly diligent in ensuring that we had the draft regulations – and they are a work in progress, but they are in draft form – to ensure that members could see the regulations as anticipated, because they are really the mechanism for carrying out much of the operation of this act.

I am giving my interpretation. I still would have no problem if members want to take a little bit more time to review this section, but that would be my point now. I am not comfortable in accepting the amendment because I have a different interpretation of how this section works. Because of the importance of this bill, the importance to the agricultural industry and to the citizens of this province that this bill is in a form that can implement the activity that it's designed to do, it would be my opinion that it would not be out of the way to come back and deal with this amendment when this business is called again by the House leaders.

So I would say, Mr. Chairman, that it's entirely up to the House, but my recommendation is that if the hon. members, in particular the Leader of the Opposition, who has spoken to this amendment, still feel they would like to carry the amendment forward, I would adjourn the debate on it until we can have more consideration.

THE CHAIRMAN: No. I think we want to get this one straightened out.

We have the offer to perhaps withdraw it if certain conditions are met. We now have the minister suggesting that we adjourn debate and rise and report progress at some later time. When we come to discuss it again, whether it's later this evening or tomorrow or whenever, then you can either withdraw it or allow your amendment

to stand and take the chance on the vote. Is that where we're at, hon. members?

DR. NICOL: Mr. Chairman, given the interpretation that the minister just gave to that section, where the "may" is not related to the notification but to the actions of the approval officer, then my amendment, in effect, is not necessary. The bill as it is written carries out proper notification. They will be notified. It's just a matter of who will make that notification, who will carry out that notification. So with that interpretation, I will withdraw the amendment.

THE CHAIRMAN: Okay. The hon. Leader of Her Majesty's Loyal Opposition has requested that amendment A5 be withdrawn. May we have unanimous consent for this motion?

[Unanimous consent denied]

MRS. McCLELLAN: Mr. Chairman, certainly the mover of this bill and this government have I think throughout the process of this bill stated very clearly that we want this legislation to be effective, to carry out a very important role in this province. This has been a culmination of three years of work and interaction with the public, including the people who have concerns environmentally, people in the industry. I think the hon. Leader of the Opposition would say that we've had a fair amount of debate and discussion on this.

I made the comment earlier that rather than have the section voted on tonight, if there is a concern over the interpretation of it, I would adjourn the debate. However, I believe that there is an hon. member who wants to debate the amendment. Mr. Chairman, having heard that there was no problem with carrying on the debate tomorrow from the person who objected to the unanimous consent, I move that we adjourn debate on the amendment A5 on Bill 28. Let's quit wasting time.

[Motion to adjourn debate carried]

MR. ZWOZDESKY: Mr. Chairman, I would move that the committee rise and report progress on Bill 28 as amended, I believe.

[Motion carried]

9:20

[The Deputy Speaker in the chair]

MR. LOUGHEED: Mr. Speaker, the Committee of the Whole has had under consideration and reports progress on Bill 28. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: Government Bills and Orders
head: Second Reading

Bill 30
Appropriation (Supplementary Supply)
Act, 2001 (No. 2)

[Adjourned debate November 26: Mrs. Nelson]

THE DEPUTY SPEAKER: The hon. Leader of Her Majesty's Loyal Opposition.

DR. NICOL: Thank you, Mr. Speaker. I rise to speak to Bill 30, the Appropriation (Supplementary Supply) Act, 2001 (No. 2). We're looking here at basically going through a process of kind of changing the budget in response to changing conditions across the province, which required moving dollars within the general revenue fund from one department to another. We have a number of cases where we've also, as permitted under the Financial Administration Act, been able to move dollars within departments to facilitate different needs. But what we're seeing here is basically some new dollars being allocated to departments where unexpected activities have arisen since the time we did the budget. As we went through the individual departmental debates last Thursday afternoon, I think it was, we ended up talking about some of the particular aspects of how these kinds of changes were justified or needed, and they were basically a reflection of kind of unplanned or unpredicted activities.

I guess the question that comes up is in the context of: how do we deal with making sure that the dollars are there to support some of the activities we undertake? One of the repercussions of these kinds of changes, when we have to either provide new dollars or move dollars in from one department to another, is that what we're going to end up with is a lot of uncertainty in the planning process, and we have to look at the techniques or the practices that we have to sustain that kind of constant budget. The government started off this year with a contingency fund that would have allowed for these kinds of things to be dealt with without the kind of adjustment that had to occur within all of the departments, as we were faced with an erosion both of that contingency fund and any possibility of surplus revenues. So the idea that we're looking at and actually allocating additional dollars to these departments means that other departments either had to sacrifice greater amounts within their framework or we had to deal with the issue of how we provide for some kind of stability in those contingency funds.

Mr. Speaker, on a number of occasions when we've been talking about the public's reaction to the adjustments that are being made within the departments, what we're seeing is that ministers are standing up and saying, "Well, yes, we're making cuts," but they're making cuts in increases. The big one there is Health and Wellness, where we're hearing the minister constantly saying: well, you know, we're not actually cutting the budget; we're actually increasing it by \$118 million. But what it amounts to is that as per the plan, the ongoing plan, the evolving plan, at one point in time the allocation to Health and Wellness was 1 percent larger than what it is here, because that is the amount that was actually taken out subject to the adjustments that were made in November.

We have to make sure, as we look at this kind of strategy, that we don't complicate how we present these budgets to the people of Alberta. We can't keep changing the base that we're using to make our comparisons. I think it's totally inappropriate for the minister to start talking about the fact that they didn't make cuts to Health and Wellness, yet what we're seeing is that had the reduction in revenues not precipitated the adjustments made in September and October, then we would have actually been allocating more dollars in this appropriation to health care, because in the interim announcement since the last budget there were more dollars promised to the health care system. It's a matter of: how do we deal with these kinds of adjustments to budgets, and what base do we use when we make comparisons of those budgets?

If we're truly going to deal with quarterly updates, with the issue of appropriate responses to crises by ministers, then what we've got

to do is make sure that we deal with the discussion in an up-front way with Albertans so they know that an announcement is an add-on to the budget or is a subtraction away from the budget. We keep a running total, and then we deal with the debate that occurs from the point we're at in that running total, not going back to the budget or not going back to a different base.

We have to make sure that individuals understand our process so they know that as we go through the year, we can't always predict – and I don't think any of them expect us to predict with absolute accuracy – the kinds of expenditures that we're going to need within each of the departments every year, year in and year out. I notice that this year we're dealing with supplementary supply for five different departments, but it's not the same five departments. Some of them are the same, but they're not the same five departments as we dealt with last year. It's also not the same five departments that we dealt with in the Appropriation (Supplementary Supply) Act, 2001, because these are allocations in our budgeting process that are contingent upon a change from where we're at at the point of time of the adjustment.

If we're going to deal with these kinds of measures only counting as a base when we actually pass a supplementary supply act or we pass the original budget, then what we should be doing is not adding to the confusion of the public by talking about stepwise additions to the budget when we haven't already put them in here. But if we're going to make announcements where we're going to say that we will be allocating new dollars to a program or that there's been a cost overrun from a natural disaster or for some kind of a contingency, then we should be starting from that number and going ahead whether it means adding more to it again or subtracting from it as we make subsequent adjustments. This allows for a clear understanding by Albertans that our process of budgeting necessitates a dynamic approach to it.

We can't just start off at the beginning of the year and say that this is going to be our budget for the year and hold to it, because contingencies come up, unexpected events come up, new opportunities come up. No individual, no business, no government should constrain itself and not be able to take advantage of those opportunities or not be able to deal with the crises or the disasters that arise, and we have to have the option to make adjustments in our budget. If we look at what has happened here, as I said, the public has been brought into the debate on Health and Wellness more than it has in any of the other departments. We look at it from the perspective of each of them. I know that the Agriculture, Food and Rural Development budget is now being increased by \$129,519,000, and what we're ending up with is already adjusted for changes that have been made because of the September, October cuts. It is important that we make sure people understand that that dynamic process is there. So it's basically in agriculture; it's in health as well. We have to watch that those kinds of processes are appropriately applied.

9:30

You know, Mr. Speaker, if it were just a matter of using up the department's discretionary dollar or the contingency fund, that could just lapse to the end of the year and it would roll over into general revenue. We wouldn't have to have a supplementary fund, because any surplus in a department automatically goes back to general revenue. So we wouldn't have to have a supplementary supply to put those dollars back into general revenue. When we deal with these, we have to recognize that their net adjustments at this point in time reflect possible additions to a program within a department and subtractions out of a different program in a department or subtractions from or additions to the overall budget of a department. They

need to be reflected in transition as opposed to a point in time. Otherwise, the way we do our budgeting is confusing in the eyes of Albertans.

With that, Mr. Speaker, I think it's important that we look at making sure that maybe in future times, as an addendum to a bill like this when we put in the schedule, we should go through all the public announcements and end up with, you know, a bottom-line, net adjustment here so that Albertans truly do understand the fact that there have been announcements made by the government suggesting or indicating a change in a budget or in an allocation to a department. When we actually come to the vote, it either is there or it isn't, depending upon subsequent actions after that announcement. It would be very useful, I think, from the perspective of Albertans to be able to track through the cumulative actions and the consequential actions of a government as it adjusts and responds to the needs of Albertans in terms of providing them with the services they've asked their peers, through their government, to provide for them. That's kind of the approach that I think would be important for us to look at, because just a simple number doesn't reflect fully all the dynamics we've gone through with the ups and downs of the budgeting process.

That's especially critical in a year like this. We started the year with expectations of possibly a very robust economy, a very robust natural resource revenue option, and then we got into the June, July period and started to see our natural resources prices weaken and drop. We ended up beginning to talk about adjustments, but in the meantime we had already made promises and commitments to spend more dollars in some of these programs. Subsequent to the first-quarter update and the actions that precipitated into the fall, we've had to make significant adjustments again, which basically used up all of the contingency fund in the budget and required an additional reduction of expenditures. That in a sense has been reflected in the fact that we're now at a point where we end up having to make sure that, you know, the people of Alberta contract that, because this supplementary supply act doesn't reflect all that activity that went on both in terms of additions to and subtractions from departmental budgets. So I think that would be a kind of suggestion that would improve the process, making sure that Albertans understand how we go through dealing with budgets.

The other issue that's been raised a number of times by some of my constituents is the final item in Bill 30, which is the Legislative Assembly adjustment. I guess people couldn't understand why, when we go through the process of approving a budget, we have an allocation for an election in the Chief Electoral Officer's budget when we had just come out of an election. They're kind of wondering what we were expecting to do, what we were anticipating in the sense of actually putting that in the budget in the first place. Nobody truly expected that we would be in a position to have an election this quickly in the budgeting process. That's the kind of issue that has been raised in connection with that, and I think we have to be a little bit more descriptive when we talk about why those dollars were put out, why they were allocated, and how they can be transferred back into the Legislative Assembly fund.

This is a necessary part of appropriate financial management. It's kind of hard to tell what the actual numbers are in the sense of dealing with the material that's behind them. We dealt with the specifics of the additional allocations when we did Committee of Supply last week, so we don't want to get into those anymore. The overall process I've made a few comments on, and I think in the future we may want to look at that so that it helps Albertans understand the dynamics of the actual budgeting process and the decision-making process of government as it responds to the issues of Alberta.

With those comments I think I'll take my seat. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Speaker. I'd like to speak to the 2001-2002 supplementary estimates. It's always a question as to whether or not the government acted appropriately in bringing forward supplementary funding through special warrants and so on as opposed to budgeting appropriately at the time. Now, I want to indicate, before there are too many groans over there, that I think that in fact most of these expenditures seem to be justified. Certainly drought relief for Alberta's farmers is a legitimate expenditure. I think the taking over of the financing of student loans is a justifiable expense. Forest fire fighting certainly could not be foreseen. The immunization for meningitis I think is a reasonable expenditure that could not have been reasonably foreseen in the budget. So, Mr. Speaker, I just have three questions that I would like to put with respect to these estimates. I don't know if answers can be provided tonight, but they could be provided in writing at a later time.

I would appreciate detailed breakdowns for a couple of items. The first one has to do with the \$2,797,000 of additional funding for support for the Legislative Assembly. I would like that number broken down so that we can see very clearly what that expenditure is for.

The other one that strikes me as very high is nearly \$100 million of expenditure for forest fire fighting. Now, that is an incredible level of funding. Obviously there was a serious problem with forest fires of great magnitude, but I would like to have the minister, please, provide a breakdown of that.

9:40

The one expenditure that I was looking for and didn't find here, Mr. Speaker, was additional expenditures to fund Children's Services. I find it interesting that where you have a very significant increase in the caseload, this is not seen as something that would be funded by a supplementary requisition but instead has to come from existing preventative programs. This is a different approach in this department than I see in other departments where you have unforeseen expenditures. Whether it be drought or forest fires or student loans or increases for justices of the peace, any number of legitimate expenses that were unforeseen, those are provided for by supplementary estimates. But in the case of increases in caseloads for children, it must come out of the department and it must come out of the preventative program. So it will have a feedback effect, then, because by canceling and cutting back dramatically on the preventative programs, your caseloads will increase in the future, and you'll enter an upward spiral that you may not get out of, at least not very easily. So that's a question I would put to the Minister of Children's Services as well as to the Provincial Treasurer. Why the difference in how we treat departments, and why are children treated in one way and forest fires and farmers treated in another?

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you very much, Mr. Speaker. I at this time would like to get some remarks regarding Bill 11 on the record – or Bill 30. Pardon me. Why am I stuck on Bill 11?

MR. MASON: Old habits die hard.

MR. MacDONALD: Old habits die hard. The hon. Member for Edmonton-Highlands is absolutely right. Yes.

On Bill 30 there are some things that certainly any government cannot foresee, and there have to be additional sums. I noted with interest the 9 million plus dollars that has been appropriated by the Ministry of Justice for increased justices of the peace compensation, to provide the costs of the new professional lounge for provincial judges, and for hiring additional Crown prosecutors, not only Crown prosecutors but support staff. This issue was brought to the attention of our constituency office in the summer. I don't know what else to say other than it took the current government time, but eventually they certainly did the right thing and hired additional Crown prosecutors and support staff and increased the compensation levels for those that were there. This was not only an issue of hiring; it was an issue of retaining staff. I'm pleased to see in here that this issue was dealt with, not in a timely fashion by this government but at least it was dealt with.

There are other nonbudgetary items in here, certainly from Agriculture, Food and Rural Development; from income assistance programs, specifically for the province's livestock and honey producers in response to drought conditions, some of the worst drought conditions that have occurred in the last half century; and \$118 million has been appropriated by the Minister of Health and Wellness, as was mentioned earlier.

When we look at all this spending, you have to look at the plans. I would have to say that prudent management is not the name of a town in Saskatchewan. It should be the motto of this government, but unfortunately it's not. Alberta is blessed with abundant resources, and there can be a lot of mistakes made, and of course they can be covered up. Excuse me, not covered up. I will withdraw that description "covered up." A better word would be "bought." You know, buy their way out of trouble with millions of dollars of—well, they're referred to as subsidies by the hon. Minister of Energy in the *Calgary Herald*. Whenever you lurch from one spending spree to another spending spree, the public get concerned, particularly whenever there is talk of cutbacks, Mr. Speaker, and I would remind all hon. members of this Assembly that this year's projected revenue is the second largest in the history of the province.

Now we're having cutbacks. We're having this, and we're having that. I can't imagine what future supply estimates will be, but we need to recognize, you know, that there is money and that the money has to be made available to respond to urgent issues like the forest fires, like the drought. There's no denying that. However, one has to have serious concerns about the lack of planning within the entire government's budgeting process, and again prudent management is not a town in Saskatchewan.

We on this side of the House have always had concerns about the budgeting process here. I can't for the life of me understand why this government is operating on a three-month plan when the Government Accountability Act talks about a three-year plan. One of the main problems with this government has again been the improper management of the budget. They didn't manage the cuts properly in health care and education. They were reckless, and we're still paying for it. They didn't effectively manage reinvestment, and this government refuses to even consider better management practices in light of volatile crude oil prices and natural gas prices and the hon. Member for Lethbridge-East's solution of the stability fund. The hon. Minister of Community Development is fully aware of, you know, the prudence of having the stability fund and just exactly what it would do for this province and for the Minister of Finance as the price of oil goes up and goes down. The stability fund as proposed by the Member for Lethbridge-East is a sound idea, and we could avoid so much of this if the government

would just do the right thing and say yes to the Alberta Liberal stabilization fund plan.

Now, if you're not sticking to your budget, Mr. Speaker, there is no ability for the departments to plan and to get full value for Albertans' money. Everyone is fond of saying that there is only one taxpayer, but the taxpayer with this government is, I guess, the Rodney Dangerfield of taxpayers because they're not getting any respect.

Even the Auditor General has said:

While subsequent additional funding may provide relief from immediate budget pressures, it is not conducive to good management since [repetition may] create the expectation of continuing amounts in addition to planned [annual budget increases].

Now, surely if the hon. members across the way are not going to listen to the Official Opposition, they could heed the advice of the Auditor General. They could listen to the Auditor General, but it seems there's always this issue of poor management, poor management covered up by robust natural resource prices. It's quite easy, as we saw last year before the election, whenever 'egonomics' is being practised: throw money at every problem. Every problem. Now that the election is over, oh goodness, we're going to have to start taking money out of the taxpayers' pockets or their purses. [interjection] It is true. The hon. Member for Edmonton-Castle Downs is anxious to participate in the debate, but I don't know what's going to happen whenever constituents start phoning and asking about the deferral account and how we're going to pay this now that the election is over. Is this going to be in supplementary—no, in the budget.

9:50

Now, budgeting by this government is clearly resource based. It's not in any way, shape, or form service based, but it's resource based. Unfortunately, Mr. Speaker, if there is not sound management by adopting a thing such as the hon. Member for Lethbridge-East's policy, the stabilization fund, it's going to come back to hurt not only the hon. members of this Assembly but every Albertan. We cannot be at the whim of extremely volatile resource revenues. We are at their mercy because there's not sound management of international petroleum prices and in the natural gas market to the North American price. The real benefit here is that we have the benefit of a low Canadian dollar, Mr. Speaker.

AN HON. MEMBER: Benefit?

MR. MacDONALD: Yes, a benefit, hon. member.

Now, I have a few questions before I cede the floor. What criteria is the government using to determine whether extra or unbudgeted spending is necessary? I would like to know this on behalf of the constituents of Edmonton-Gold Bar.

Now, many of the government's goals and performance measures are too vague and are arbitrary. They fail to give a real picture of the government's performance. If there's a snapshot there and it's not approved, the performance measure, as the Member for Edmonton-Centre frequently tells the House, it is removed. Many of the government's goals and performance measures don't even relate to the government's actual performance, Mr. Speaker.

Now, in closing I would like to say that this isn't three-year budgeting; it's three-month budgeting. The government is simply engaged in reactionary budgeting or, as the people at the Capilano Mall call it, 'egonomics,' because it's simply a way of buying favours with the electorate. Then after the election is over, 'egonomics' is over and we're back to their reckless cuts to health care and to education and to children's services. That's what we have.

We've gone from 'economics' back to the old ways, without a plan.

Now, with those remarks, at this time I would take my seat, Mr. Speaker, and cede the floor to another hon. colleague. Thank you.

[Motion carried; Bill 30 read a second time]

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. It's been another excellent evening of tremendously exciting debate with very good progress having been made. At this hour of the evening I would move that the Assembly do stand adjourned until tomorrow, Tuesday, November 27, at 1:30 p.m.

[Motion carried; at 9:55 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]